



03/01/00

03-02-00

A

Attorney's Docket No. LRI-003PAT

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Box Patent Application

Assistant Commissioner for Patents

Washington, D.C. 20231

jc530 U.S. PTO
09/516328
03/01/00

NEW APPLICATION TRANSMITTAL

Transmitted herewith for filing is the patent application of

Inventor(s): Paul S. Prevey III

For (title): **METHOD AND APPARATUS FOR PROVIDING A RESIDUAL STRESS DISTRIBUTION IN THE SURFACE OF A PART**

CERTIFICATION UNDER 37 CFR 1.10

I hereby certify that this New Application Transmittal and the documents referred to as enclosed therein are being deposited with the United States Postal Service on this date March 1, 2000 in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number EK303473334US, addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231.

Mark F. Smith

(Type or print name of person mailing paper)

Mark F. Smith

Signature of person mailing paper

1. Type of Application

This new application is for a(n)

(check one applicable item below)

☒ **Original (nonprovisional)**

☐ **Design**

☐ **Plant**

WARNING: Do not use this transmittal for the filing of a provisional application.

NOTE: If one of the following 3 items apply, then complete and attach **ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF A PRIOR U.S. APPLICATION CLAIMED** and a **NOTIFICATION IN PARENT APPLICATION OF THE FILING OF THIS CONTINUATION APPLICATION**.

☐ **Divisional**

☐ **Continuation**

☐ **Continuation-in-part (C-I-P)**

2. Benefit of Prior U.S. Application(s) (35 U.S.C. 119(e), 120, or 121)

NOTE: If the new application being transmitted is a divisional, continuation, or a continuation-in-part of a parent case, or where the parent case is an International Application which designated the U.S., or benefit of a prior provisional application is claimed, then check the following item and complete and attach **ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION (S) CLAIMED**.

WARNING When the last day of pendency of a provisional application falls on a Saturday, Sunday, or Federal holiday within the District of Columbia, any nonprovisional application claiming benefit of the provisional application must be filed prior to the Saturday, Sunday, or Federal holiday within the District of Columbia.

☐ The new application being transmitted claims the benefit of prior U.S. application(s) and enclosed are **ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED**.

3. Papers Enclosed That Are Required for Filing Date under 37 CFR 1.53(b) (Regular) or 37 CFR 1.153 (Design) Application

23 Pages of specification

6 Pages of claims

1 Pages of abstract

7 Sheets of drawing

☐ formal

☒ informal

WARNING: DO NOT submit original drawings. A high quality copy of the drawings should be supplied when filing a patent application. The drawings that are Submitted to the Office must be on strong, white, smooth, and non-shiny paper and meet the standards according to Section 1.84. If corrections to the drawings are necessary, they should be made to the original drawing and a high-quality copy of the corrected original drawing then submitted to the Office. Only one copy is required or desired.

NOTE: "Identifying indicia, if provided, should include the application number or the title of the invention, inventor's name, docket number (if any), and the name and telephone number of a person to call! If the office is unable to match the drawings to the proper application.. This information should be placed on the back of each sheet of drawing a minimum distance of 1.5 cm. (5/8 inch) down from the top of the page.

(Complete the following, if applicable)

_____ The enclosed drawing(s) are photograph(s), and there is also attached a "PETITION TO ACCEPT PHOTOGRAPH(S) AS DRAWING(S)".

4. Additional papers enclosed:

- _____ Preliminary Amendment
- _____ Information Disclosure Statement (37 CFR 1.98)
- _____ Form Information Disclosure Citation (PTO-1449)
- _____ Citations
- _____ Declaration of Biological Deposit
- _____ Submission of "Sequence Listing," computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.
- _____ Authorization of Attorney(s) to Accept and Follow Instructions from Representative
- _____ Special Comments
- X Other

5. Declaration or oath

 X Enclosed

Executed by:

- X The inventor(s)
- _____ legal representative of inventor(s). 37 CFR 1.42 or 1.43.
- _____ joint inventor or person showing a proprietary interest on behalf of inventor who refused to sign or cannot be reached.
- _____ This is the petition required by 37 CFR 1.47 and the statement required by 37 CFR 1.47 is also attached. See item 13 below for fee.
- _____ Not Enclosed.

____ Application is made by a person authorized under 37 CFR 1.41(c) on behalf of a(l the above named inventor(s).
(The declaration or oath, along with the surcharge required by 37 CFR 7.76(e) can be filed subsequently).

____ Showing that the filing is authorized.
(not required unless called into question. 37 CFR 7.47(d))

6. Inventorship Statement

WARNING: if the n-fled inventors are each not the inventors of all the claims an explanation, including the ownership of the various clams at the time the last claimed invention was made, should be submitted.

The Inventorship for all the claims in this application are:

X The same.

____ Not the same. An explanation, including the ownership of the various claims at the time the last claimed invention was made____ is submitted.

____ Will be submitted.

7. Language

NOTE: An application including a signed oath or declaration may be filed in a language other than English. A verified English translation of the non-English language application and the processing fee of \$130.00 required by 37 CFR 1.117(k) is required to be filed with the application, or within such time as may be set by the Office 37 CER 1.62(d).

NOTE: A non-English oath or declaration in the Form provided or approved by the PTO need not be translated.
37 CFR 1.69(b).

X English

____ Non-English

____ The attached translation is a verified translation. 37 CFR 1.52(d).

8. Assignment

____ An assignment of the invention to _____

____ is attached. A separate____ "COVER SHEET FOR ASSIGNMENT (DOCUMENT) ACCOMPANYING NEW PATENT APPLICATION" or ____ FORM PTO 1595 is also attached.

____ will follow.

NOTE: "if an assignment is submitted with a new application, send two separate letters-one for the application and one for the assignment."
Notice of May 4, 1990 (1114 O.O. 77-78).

WARNING: A newly executed "CERTIFICATE UNDER 37 CFR 3.73(b)" must be filed when a continuation-in-part application is filed by an assignee. Notice of April 30, 1993, 1150 O.O.62-64.

9. Certified Copy

Certified copy(ies) of application(s)

country	appln. no.	filed
country	appln. no.	filed
country	appln. no.	filed

from which priority is claimed

_____ is (are) attached.

_____ will follow.

NOTE: The *foreign application* forming the basis for the claim *for priority must* be interred to in the oath or declaration. 37 CFR 1.55(a) and 163

10. Fee Calculation (37 CFR 1.16)

A. X Regular application

CLAIMS AS FILED			
Number filed	Number Extra	Rate	Basic Fee 37 CFR 1.16(a) \$690.00
<hr/>			
Total			
Claims (37 CFR 1.16(c)) 25 - 20 = 5	x	\$18.00	\$ 90.00
<hr/>			
Independent			
Claims (37 CFR 1.16(b)) 6 - 3 =	3 x	\$ 78.00	234.00
<hr/>			
Multiple dependent claim(s), if any (37 CFR 1.16(d))	+	\$260.00	0.00
<hr/>			

_____ Amendment canceling extra claims enclosed.

_____ Amendment deleting multiple-dependencies enclosed.

_____ Fee for extra claims is not being paid at this time.

NOTE: If the fees for extra claims are not paid on filing they must be paid or the claims canceled by amendment, prior to the expiration of the time set for response by the Patent and Trademark office in any notice of deficiency. 37 CFR 1.16(d).

Filing Fee Calculation

\$ 1,014.00

1. The first step is to identify the problem or goal. This involves understanding the current situation, identifying the problem, and setting a clear goal.

 X Verified Statement(s) that this is a filing by a small entity under 37 CFR 1.9 and 1.27 is (are) attached.

(complete the following, if applicable)

35 U.S.C. _____ 119(e),
 _____ 120,
 _____ 121,
 _____ 365(c),

_____ A copy of the verified statement in the prior application is included.

NOTE: Any excess of the full fee paid will be refunded if a verified statement and a refund request are Med within 2 months of the date of timely payment of a full fee. The two-month period is not extendable under 1.136, 37 CFR 1.28(a).

(complete, if applicable)

(Application Transmittal -page 6 of 9)

13.

Fee Payment Being Made at This Time

☐ Not Enclosed

☐ No filing fee is to be paid at this time.

(This and the surcharge required by 97 CFR 1.16(e) can be paid subsequently.)

☒ Enclosed

☒ Basic filing fee \$ 507.00

☐ Recording assignment
(\$40.00; 37 CFR 1.21(h))
(See attached "COVER SHEET FOR
ASSIGNMENT ACCOMPANYING NEW
APPLICATION".) \$ 0.00

☐ Petition fee for filing by other than all the
inventors or person on behalf of the inventor
where inventor refused to sign or cannot be
reached.
(37 CFR 1.47 and 1.17(h)) \$ _____

Total fees enclosed: \$ 507.00

14. Method of Payment of Fees

☒ Check in the amount of \$507.00

☐ Charge Account No. _____ in the amount of \$ _____
A duplicate of this transmittal is attached.

15. Authorization to Charge Additional Fees

WARNING

If no fees are to be paid on filing. The following items should not be completed.

_____ The Commissioner is hereby authorized to charge the following additional fees by this paper and during the entire pendency of this application to Account No. _____

_____ 37 CFR 1.16(a), (f) or (g) (filing fees)

_____ 37 CFR 1.16(0), (c) and (d) (presentation of extra claims)

_____ 37 CFR 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)

_____ 37 CFR 1.17 (application processing fees)

_____ 37 CFR 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 CFR 1.311(b))

16. Instructions as to Overpayment

_____ Credit Account No. _____ Refund

Reg. 32,437

(513)936-8537 Phone

(513)936-8537 Facsimile



Mark F. Smith

Smith, Gutttag & Bolin Ltd.

10921 Reed Hartman Highway

Suite 316

Cincinnati, Ohio 45242

X **Incorporation by reference of added pages**

(check the following item if the application in this transmittal claims the benefit of prior U.S. application(s) (including an international application entering the U.S. stage as a continuation, divisional or C-I-P application) and complete and attach the ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED)

 Plus Added Pages for New Application Transmittal Where Benefit of Prior U.S. Application(s) Claimed

Number of pages added

 X Plus Added Pages for Papers Referred to in Item 4 (See Items 5 and 11) above

Number of pages added 4

 Plus "Assignment Cover Letter Accompanying New Application"

Number of pages added 0

 Statement Where No Further Pages Added

(if no further pages form a part of this Transmittal, then end this Transmittal with this page and check the following item.)

 X This transmittal ends with this page.